

**IN THE UNITED STATES MILITARY COMMISSION AT GUANTANAMO BAY  
NAVAL BASE, CUBA**

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**UNITED STATES OF AMERICA**

**v**

**IBRAHIM AHMED MAHMOUD AL QOSI**

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)

**DEFENSE NOTICE  
OF  
NON-EVIDENTIARY  
MOTIONS**

COMES NOW THE ACCUSED, Ibrahim Ahmed Mahmoud al Qosi, by and through his detailed defense counsel, and provides this notice of intent to raise the following non-evidentiary motions prior to trial on the merits.

**A. MOTIONS**

1. Motion to Compel Discovery
2. Motion to Compel Access to Interrogators, Investigators, Linguists, and other Detainees
3. Motion for Oral Depositions of Former Presidents George W. Bush and William J. Clinton, Former Secretary of State Madeleine Albright, and Major General Geoffrey D. Miller
4. Motion for a Bill of Particulars
5. Motion Challenging the Legitimacy of the Commission:
  - Not lawfully constituted
  - Mr. al Qosi must be tried in accord with international norms such as Article 14 of the International Covenant on Civil and Political Rights (ICCPR) and Additional Protocol I to the Geneva Conventions
  - The commission does not provide the minimum standards required pursuant to common article III of the Geneva Conventions
  - The commission is not properly constituted as it was established in violation of Separation of Powers and is outside the scope of the Joint Resolution for the Use of Force, dated 18 September 2001
6. Motion to Dismiss for a Lack of Personal Jurisdiction Over Mr. al Qosi

7. Motion to Dismiss for a Lack of Subject Matter Jurisdiction
  - Crime charged is not a legitimate law of war violation
8. Motion to Dismiss for Failure to State an Offense: Impossibility of Armed Conflict with a Non-State Actor
9. Motion to Dismiss Charge for Being Overly Broad and Impermissibly Vague: Charge Alleges Something More Severe than Contemplated by Common Article 3 of the Geneva Conventions
10. Motion to Dismiss or for Other Appropriate Relief for Unlawful Influence of the Tribunal under Article 37, Uniform Code of Military Justice and Unlawful Command Influence
11. Motion to Dismiss for a Violation of Speedy Trial Rights under International Law Standards and under a Due Diligence Standard
12. Motion for Recusal of the Legal Advisor to the Appointing Authority
13. Motion Challenging the Structure of the Commission and Request for Trial by General Court-Martial
14. Motion to Dismiss for the Failure to Prosecute Mr. al Qosi Before the Same Courts Using the Same Provisions as Would be Used to Prosecute U.S. Soldiers for Such Crimes as Required under Article 102 of the Third Geneva Convention
15. Motion to Dismiss for a Violation of Equal Protection Provisions
16. Motion to Dismiss for a Denial of Due Process
17. Motion to Dismiss for a Denial of Due Process in Government's Failure to Record Interrogations of Mr. al Qosi
18. Motion Challenging the Categorization of Protected Information
19. Motion Challenging Structure of Commission in that Recording Devices in Place Fail to Provide Accurate, Verbatim Transcript of Trial Proceedings (Translation of Testimony from English to Arabic)

B. In providing this Notice of Non-Evidentiary Motions, defense counsel request the right to supplement this notice with other motions that may arise as the discovery process continues. Any supplements to this notice shall be provided to the Presiding Officer and opposing counsel as soon as possible upon discovery of additional issues.



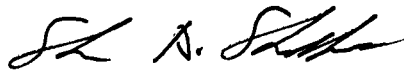
SHARON A. SHAFFER, Lt Colonel, USAF  
Defense Counsel



BRIAN M. THOMPSON, Captain, USAF  
Assistant Defense Counsel

**CERTIFICATE OF SERVICE**

I hereby certify that on 15 Sept 2004, I sent this Notice of Non-Evidentiary Motions to the Presiding Officer and the legal assistant to the Presiding Officer via e-mail and hand-delivered a copy to the prosecutor.



SHARON A. SHAFFER, Lt Colonel, USAF  
Defense Counsel